GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services –Sri M.M.Madan Mohan Rao, the then District Employment Officer, Visakhapatnam -Irregularities in sponsoring the candidates by the officials of District Employment Office, Visakhapatnam for the posts of Sericulture Operatives during the years of 1991 to 1995 – Appraisal Report of Vigilance & Enforcement Department - Article of Charges issued- Punishment imposed – High Court Orders in W.P.No. 23607/2009 - Set-aside the punishment imposed – Orders - Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (IMS&VIG) DEPARTMENT

G.O.RT.No. 637 Dated: 26-11-2015

Read the following

1. Appraisal Report of G.A. (V&E) No. 20 (557/V&E/D4/06), dt. 7.5.2008.
2. G.O.Rt.No. 1678, LET&F (Vig) Deptt., Dated 13.08.2008.
3. Statement of defence of Sri M.Madan Mohan Rao, D.D. dated 23.08.2008 and 02.12.2008.
4. W.P.No. 23607/2009 filed by Sri M.Madan Mohan Rao, D.D. 03.11.2009
5. G.O.MS.No.7, LET&F (Vig) Deptt., Dated 30.01.2010.
6. From CET Lr No. H1/G6/3902/2003, Dated 07.2013
7. G.O.Ms.No.7, LET&F (Vig) deptt., dated 06.02.2014.
8. Orders of High Court in W.P. No. 23607/2009 dated 11.03.2014.
9. Representation of Sri M.Madan Mohan Rao, D.D. (Retd.) dated 22.03.2014.

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ORDER:

In the reference 1st read above, the General Administration (Vigilance & Enforcement) Department has recommended to initiate disciplinary action against Sri M.Madan Mohan Rao, the then District Employment Officer, as he was committed irregularities in sponsoring the candidates by the officials of District Employment Office, Visakhapatnam for the posts of Sericulture Operatives, Technical & Unskilled, Visakhapatnam.

2. In the reference 2nd read above, the Government have issued Articles of Charges to Sri M.Madan Mohan Rao, the then District Employment Officer and directed him to submit written statement of defence within 10 days.

3. In the reference 3rd read above, Sri M.Madan Mohan Rao has submitted his written statement of defence, duly denying the charges framed against him.

4. In the reference 4th read above, Sri M.Madan Mohan Rao, the then Deputy Director (E), has filed W.P.23607/2009 in the Hon'ble High Court against the Charge Memo with a plea to consider his name for notional promotion as Joint Director and suspend the charge memo .

5. In the G.O. 5th read above, Government have directed the Director of Employment and Training to impose the punishment of withholding of one annual grade increment without cumulative effect as a punishment against Sri M.Madan Mohan Rao, the then District Employment Officer, Visakhapatnam under Rule 9 of Andhra Pradesh Civil Services (CCA) Rules, 1991 and send a compliance report to Government.

6. In reply, the Commissioner of Employment and Training, Andhra Pradesh, Hyderabad in reference 6th read above has requested the Government to issue recovery proceedings for Rs. 9803/- in place of stoppage of one annual grade

increment without cumulative effect, as he could not implement the orders in reference 5th read above, as Sri M.Madan Mohan Rao, Deputy Director has retired from service.

7. Accordingly, in the reference 7th read above, the Government have directed the Commissioner of Employment and Training, Andhra Pradesh, Hyderabad to impose the punishment of recovery of Rs. 9,803/- from Sri M.Madan Mahan Rao, the then District Employment Officer under Andhra Pradesh Revised Pension Rules, 1980, in place of stoppage of one annual grade increment without cumulative effect.

8. In the reference 8th read above, the Hon'ble High Court passed the following judgment on 11.03.2014 in W.P.No. 23607/2009 filed by Sri M.Madan Mohan Rao:

> **"Basing on that report, the Government imposed a minor penalty of stoppage of one increment without cumulative effect. Therefore, the punishment imposed on the petitioner is based upon no evidence and it is liable to be set aside and it is set aside.**
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> **"Directing the respondents to consider the promotion of the Petitioner notionally from the date of his eligibility and fix the pension and all the other consequential benefits. There shall be no order as to costs."**

9. In the reference 9th read above, Sri M.Madan Mohan Rao, Deputy Director (Retd.) has represented the Government to set-aside the imposed punishment against him in the reference 5th and 7th read above and requested to consider his name to the notional promotion to Joint Director(Employment).

10. After careful examination of the matter in detail, taking into consideration of the above orders of Hon'ble High Court in W.P.No. 23607/2009 and the request of the individual in his representation 9th read above, Government hereby set-aside the punishment orders against Sri M.Madan Mohan Rao, Deputy Director (Retd.,) issued in the G.O. 5th read above, which was modified by imposing recovery of Rs.9,803/- in place of stoppage of one annual grade increment without cumulative effect, vide reference 7th read above.

11. The Commissioner of Employment and Training, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly and furnish the compliance report to Government.

(BY ORDER AND IN THE NAME OF THE GOVRNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The individual thru the Commissioner of Employment and Training,
Andhra Pradesh, Hyderabad.
The Commissioner of Employment and Training, Andhra Pradesh, Hyderabad.
The Government Pleader for Labour, High Court of Andhra Pradesh,
Hyderabad.
The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
The YAT&C Department, Andhra Pradesh, Hyderabad.

//Forwarded :: By order//

SECTION OFFICER